

ADVISORY OPINION 93-004

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

March 9, 1993

Mr. Tim Gruber, Treasurer
Bill D'Andrea Campaign
11110 Stirrup Lane
Richwood, Kentucky 41094

Dear Mr. Gruber:

Thank you for contacting the Registry. Your question to the Registry can be stated in two parts as follows:

1. May a candidate who owns a corporation (the corporation is a restaurant) with his wife, and not one else, accept a campaign contribution directly from the corporation? and
2. May this corporation (restaurant) contribute to political campaigns by giving reduced rates for fundraisers or giving free use of the restaurant's facilities to candidates for fundraising activities?

While the Registry has held that a sole owner of a corporation could give to his campaign from the corporation, this is a narrow exception to the general rule in Kentucky. The general rule in Kentucky is that a corporation may not contribute to a political campaign. In this particular case, the Registry would not consider it permissible for the candidate's restaurant to directly contribute to the candidate's campaign fund.

In keeping with the strict prohibition against corporate contributions to Kentucky political campaigns, it is not permissible for a restaurant corporation to make contributions to political campaigns by giving free services or reduced rates for services. These so-called in-kind contributions are permissible if given by an individual. However, a corporation may not make a contribution of money or any other thing of value to a political campaign. [See KRS 121.035, and KRS 121.015(6).]

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/dt